

REMARKS

Claims 30-35, 37 and 39-47 are now pending in the application. Minor amendments have been made to the claims to overcome the objections. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 30-33, 37, 39-47 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. This rejection is respectfully traversed.

Applicant incorporates by reference all responses to previous office actions and including Applicant's appeal brief. A person skilled in the art would understand that an advantage of the invention is the option to develop and implement custom designed decision models for trading securities. Clearly, a person skilled in the art would also appreciate that only decision models directed to financial applications would provide the optimum result. Therefore, the examiner's concern about application to every mathematical formula and equation whether it is financial, physics, or fluid mechanics is without merit. The examiner also improperly assumes that mathematical formulae cannot have more than one application. Again, a benefit of the invention is the ability to develop and use novel ideas for deciding how to buy or sell a security where the decision model provides a result that can be compared to a decision point for decision whether to buy or sell the security. The 2000 version of the CyberCorp reference shows an ability to input simplistic equations into a trading system. The invention however provides for more than the ability to make price based decision models as described in the 2000 version of the CyberCorp

reference. It is also important to note that the 1998 version of the CyberCorp does not teach or suggest this functionality. Also, Applicant filed a declaration under 37 C.F.R. §1.131 swearing behind the 2000 version of the CyberCorp reference.

Further, the specification does provide detail regarding the development and implementation of decision models. This is discussed in detail in Applicant's response dated January 4, 2007. The specification also refers to technical analysis of stocks which by definition includes a broad set of mathematical formulae for evaluating whether a stock price will likely increase or decrease. A person skilled in the art would understand how to use this information to develop a decision model including for example a comparison of moving averages for security data as discussed in the specification.

Finally, the examiner provides no authority for the contention that the decision models and associated mathematical formulae must be novel over the prior art. It is the ability to implement a custom designed decision model comprising a mathematical function such as a moving average into a trading system that is novel over the prior art.

Claims 30-33 and 44-47 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

For the reasons already discussed in previous responses to office actions, incorporated herein by reference, the limitation "mathematical function" is not indefinite. A person skilled in the art would easily understand the meaning of the term as supported by the examiner's own research leading to the definition on Wikipedia.com.

Claims 44-47 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

For the reasons already discussed in previous responses to office actions, incorporated herein by reference, the limitation “mathematical expression” is not indefinite. A person skilled in the art would easily understand the meaning of the term as supported by the examiner’s own research leading to the definition on Wikipedia.com.

Claims 30-33 and 44-47 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Applicant incorporates by reference all responses to previous office actions and including Applicant’s appeal brief. As already stated above, a person skilled in the art would understand that an advantage of the invention is the option to develop and implement custom designed decision models for trading securities. Clearly, a person skilled in the art would also appreciate that only decision models directed to financial applications would provide the optimum result. Therefore, the examiner’s concern about application to every mathematical formula and equation whether it is financial, physics, or fluid mechanics is without merit. The examiner also improperly assumes that mathematical formulae cannot have more than one application. Again, a benefit of the invention is the ability to develop and use novel ideas for deciding how to buy or sell a security where the decision model provides a result that can be compared to a decision point for decision whether to buy or sell the security.

Claim 47 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Correction was already made in response to the last office action.

REJECTION UNDER 35 U.S.C. § 103

Claims 30 and 44-47 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lupien et al. (U.S. Patent No. 5,845,266) in view of CyberCorp (CyberCorp). This rejection is respectfully traversed.

Re: Claim 30 and Claims 44-46, Applicant incorporates by reference all responses to previous office actions and including Applicant's appeal brief. None of the cited references either alone, or in combination, teaches, or suggests the limitations of the claims. Importantly, the 1998 version of the CyberCorp reference does not teach or suggest any of the elements of the claims. The 1998 version of the CyberCorp reference does not permit any ability to develop or input into a security trading system a decision model for buying and selling a security. It only allows for setting alarms based on reaching certain price thresholds. This is drastically different from the automated trading system of the invention.

Claims 31-33 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lupien and CyberCorp, and further in view of Tertitski et al. (U.S. Patent No. 6,493,681) and Kane (U.S. Patent No. 6,317,728). This rejection is respectfully traversed.

Re: Claims 31-33, Applicant incorporates by reference all responses to previous office actions and including Applicant's appeal brief. None of the cited references either alone, or in combination, teaches, or suggests the limitations of the claims. Importantly, the 1998 version of

the CyberCorp reference does not teach or suggest any of the elements of the claims. The 1998 version of the CyberCorp reference does not permit any ability to develop or input into a security trading system a decision model for buying and selling a security. It only allows for setting alarms based on reaching certain price thresholds. This is drastically different from the automated trading system of the invention.

Claim 35 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lupien in view of CyberCorp, Kane (U.S. Patent No. 6,317,728), and Buist (U.S. Patent No. 6,408,282). This rejection is respectfully traversed.

Applicant incorporates by reference all responses to previous office actions and including Applicant's appeal brief. None of the cited references either alone, or in combination, teaches, or suggests the limitations of the claims. Importantly, the 1998 version of the CyberCorp reference does not teach or suggest any of the elements of the claims. The 1998 version of the CyberCorp reference does not permit any ability to develop or input into a security trading system a decision model for buying and selling a security. It only allows for setting alarms based on reaching certain price thresholds. This is drastically different from the automated trading system of the invention.

Claims 37 and 39 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lupien in view of CyberCorp, and Buist (U.S. Patent No. 6,408,282). This rejection is respectfully traversed.

Re: Claim 37, and Claim 39 Applicant incorporates by reference all responses to previous office actions and including Applicant's appeal brief. None of the cited references either alone, or in combination, teaches, or suggests the limitations of the claims. Importantly, the 1998 version of the CyberCorp reference does not teach or suggest any of the elements of the

claims. The 1998 version of the CyberCorp reference does not permit any ability to develop or input into a security trading system a decision model for buying and selling a security. It only allows for setting alarms based on reaching certain price thresholds. This is drastically different from the automated trading system of the invention.

Claims 40-43 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lupien CyberCorp, and Buist as applied to claim 37 above and further in view of Kane (U.S. Patent No. 6,317,728). This rejection is respectfully traversed

Applicant incorporates by reference all responses to previous office actions and including Applicant's appeal brief. None of the cited references either alone, or in combination, teaches, or suggests the limitations of the claims. Importantly, the 1998 version of the CyberCorp reference does not teach or suggest any of the elements of the claims. The 1998 version of the CyberCorp reference does not permit any ability to develop or input into a security trading system a decision model for buying and selling a security. It only allows for setting alarms based on reaching certain price thresholds. This is drastically different from the automated trading system of the invention.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite

prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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